

**House File 2014 - Introduced**

HOUSE FILE 2014

BY GASKILL

**A BILL FOR**

1 An Act relating to city and school corporation elections by  
2 changing the date of the election of city officers and  
3 directors of local school districts, merged areas, and area  
4 education agency boards.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.2, subsection 4, paragraph c, Code  
2 2011, is amended to read as follows:

3 c. For a school district or merged area, in the odd-numbered  
4 year, the first Tuesday in February, the first Tuesday in  
5 April, the last Tuesday in June, or the ~~second~~ first Tuesday  
6 after the first Monday in September ~~October~~. For a school  
7 district or merged area, in the even-numbered year, the first  
8 Tuesday in February, the first Tuesday in April, the second  
9 Tuesday in September, or the first Tuesday in December.

10 Sec. 2. Section 43.112, Code 2011, is amended to read as  
11 follows:

12 **43.112 Nominations in certain cities.**

13 1. This chapter shall, so far as applicable, govern the  
14 nominations of candidates by political parties for all offices  
15 to be filled by a direct vote of the people in cities acting  
16 under a special charter in 1973 and having a population of  
17 over fifty thousand, except all such cities as choose by  
18 special election to conduct nonpartisan city elections under  
19 the provisions of chapter 44, 45, or 376. An election on the  
20 question of conducting city elections in such a special charter  
21 city on a nonpartisan basis may be called by the city council  
22 on its own initiative, and shall be called by the council upon  
23 receipt of a petition of the voters which so requests and  
24 is presented in conformity with section 362.4, but a special  
25 election on that question shall be held concurrently with any  
26 election being held on the first Tuesday after the first Monday  
27 in ~~November~~ October of any odd-numbered year.

28 2. Sections 43.114 to 43.118 shall apply only to cities to  
29 which this chapter is made applicable by this section.

30 Sec. 3. Section 43.114, Code 2011, is amended to read as  
31 follows:

32 **43.114 Time of holding special charter city primary.**

33 In special charter cities holding a city primary election  
34 under the provisions of section 43.112 such primary shall be  
35 held on the first Tuesday in ~~October~~ September of the year in

1 which regular city elections are held.

2 Sec. 4. Section 260C.12, subsection 1, Code 2011, is amended  
3 to read as follows:

4 1. The board of directors of the merged area shall organize  
5 at the first regular meeting in ~~October~~ November following the  
6 regular school election. Organization of the board shall be  
7 effected by the election of a president and other officers from  
8 the board membership as board members determine. The board  
9 of directors shall appoint a secretary and a treasurer who  
10 shall each give bond as prescribed in section 291.2 and who  
11 shall each receive the salary determined by the board. The  
12 secretary and treasurer shall perform duties under chapter 291  
13 and additional duties the board of directors deems necessary.  
14 However, the board may appoint one person to serve as the  
15 secretary and treasurer. If one person serves as the secretary  
16 and treasurer, only one bond is necessary for that person. The  
17 frequency of meetings other than organizational meetings shall  
18 be as determined by the board of directors but the president  
19 or a majority of the members may call a special meeting at any  
20 time.

21 Sec. 5. Section 260C.13, subsection 1, Code 2011, is amended  
22 to read as follows:

23 1. The board of a merged area may change the number of  
24 directors on the board and shall make corresponding changes  
25 in the boundaries of director districts. Changes shall be  
26 completed not later than ~~June~~ July 1 of the year of the regular  
27 school election. As soon as possible after adoption of the  
28 boundary changes, notice of changes in the director district  
29 boundaries shall be submitted by the merged area to the county  
30 commissioner of elections in all counties included in whole or  
31 in part in the merged area.

32 Sec. 6. Section 273.8, subsection 2, paragraphs a and b,  
33 Code 2011, are amended to read as follows:

34 a. Notice of the election shall be published by the area  
35 education agency administrator not later than ~~July~~ August 15

1 of the odd-numbered year in at least one newspaper of general  
2 circulation in the director district. The cost of publication  
3 shall be paid by the area education agency.

4     **b.** A candidate for election to the area education agency  
5 board shall file a statement of candidacy with the area  
6 education agency secretary not later than ~~August~~ September 15  
7 of the odd-numbered year, on forms prescribed by the department  
8 of education. The statement of candidacy shall include the  
9 candidate's name, address, and school district. The list of  
10 candidates shall be sent by the secretary of the area education  
11 agency in ballot form by certified mail to the presidents of  
12 the boards of directors of all school districts within the  
13 director district not later than ~~September~~ October 1. In order  
14 for the ballot to be counted, the ballot must be received in  
15 the secretary's office by the end of the normal business day on  
16 ~~September~~ October 30 or be clearly postmarked by an officially  
17 authorized postal service not later than ~~September~~ October 29  
18 and received by the secretary not later than noon on the first  
19 Monday following ~~September~~ October 30.

20     Sec. 7. Section 273.8, subsection 4, paragraph a, Code 2011,  
21 is amended to read as follows:

22     **a.** The board of directors of each area education agency  
23 shall meet and organize at the first regular meeting in ~~October~~  
24 November following the regular school election at a suitable  
25 place designated by the president. Directors whose terms  
26 commence at the organizational meeting shall qualify by taking  
27 the oath of office required by section 277.28 at or before the  
28 organizational meeting.

29     Sec. 8. Section 273.8, subsection 6, Code 2011, is amended  
30 to read as follows:

31     **6. Change in directors.** The board of an area education  
32 agency may change the number of directors on the board and  
33 shall make corresponding changes in the boundaries of director  
34 districts. Changes shall be completed not later than ~~July~~  
35 August 1 of a ~~fiscal~~ the odd-numbered year for the director

1 district conventions to be held the following ~~September~~  
2 October.

3       Sec. 9. Section 277.1, Code 2011, is amended to read as  
4 follows:

5       **277.1 Regular election.**

6       The regular election shall be held biennially on the ~~second~~  
7 first Tuesday after the first Monday in September October of  
8 each odd-numbered year in each school district for the election  
9 of officers of the district and merged area and for the purpose  
10 of submitting to the voters any matter authorized by law.

11       Sec. 10. Section 372.4, subsection 4, Code 2011, is amended  
12 to read as follows:

13       4. In a city having a population of less than five hundred,  
14 the city council may adopt a resolution of intent to reduce the  
15 number of council members from five to three and shall call a  
16 public hearing on the proposal. Notice of the time and place  
17 of the public hearing shall be published as provided in section  
18 362.3, except that at least ten days' notice must be given. At  
19 the public hearing, the council shall receive oral and written  
20 comments regarding the proposal from any person. Thereafter,  
21 the council, at the same meeting as the public hearing or at  
22 a subsequent meeting, may adopt a final resolution to reduce  
23 the number of council members from five to three or may adopt  
24 a resolution abandoning the proposal. If the council adopts  
25 a final resolution to reduce the number of council members  
26 from five to three, a petition meeting the same requirements  
27 specified in section 362.4 for petitions authorized by city  
28 code may be filed with the clerk within thirty days following  
29 the effective date of the final resolution, requesting that the  
30 question of reducing the number of council members from five  
31 to three be submitted to the registered voters of the city.  
32 Upon receipt of a petition requesting an election, the council  
33 shall direct the county commissioner of elections to put the  
34 proposal on the ballot for the next regular city election.  
35 If the ballot proposal is adopted, the new council shall be

1 elected at the next following regular city election. If a  
2 petition is not filed, the council shall notify the county  
3 commissioner of elections by ~~July~~ June 1 of the year of the  
4 regular city election and the new council shall be elected  
5 at that regular city election. If the council notifies the  
6 commissioner of elections after ~~July~~ June 1 of the year of the  
7 regular city election, the change shall take effect at the next  
8 following regular city election. The council shall determine  
9 by ordinance whether the three council members are elected at  
10 large or by ward.

11 Sec. 11. Section 372.13, subsection 8, Code 2011, is amended  
12 to read as follows:

13 8. By ordinance, the council shall prescribe the  
14 compensation of the mayor, council members, and other elected  
15 city officers, but a change in the compensation of the mayor  
16 does not become effective during the term in which the change  
17 is adopted, and the council shall not adopt an ordinance  
18 changing the compensation of the mayor, council members, or  
19 other elected officers during the months of October, November,  
20 and December in the year of a regular city election. A change  
21 in the compensation of council members becomes effective for  
22 all council members at the beginning of the term of the council  
23 members elected at the election next following the change in  
24 compensation. Except as provided in section 362.5, an elected  
25 city officer is not entitled to receive any other compensation  
26 for any other city office or city employment during that  
27 officer's tenure in office, but may be reimbursed for actual  
28 expenses incurred. However, if the mayor pro tem performs the  
29 duties of the mayor during the mayor's absence or disability  
30 for a continuous period of fifteen days or more, the mayor pro  
31 tem may be paid for that period the compensation determined by  
32 the council, based upon the mayor pro tem's performance of the  
33 mayor's duties and upon the compensation of the mayor.

34 Sec. 12. Section 376.1, Code 2011, is amended to read as  
35 follows:

1     **376.1 City election held.**

2     1. A city shall hold a regular city election on the  
3 first Tuesday after the first Monday in ~~November~~ October of  
4 each odd-numbered year. A city shall hold regular, special,  
5 primary, or runoff city elections as provided by state law.

6     2. The mayor or council shall give notice of any special  
7 election to the county commissioner of elections. The county  
8 commissioner of elections shall publish notice of any city  
9 election and conduct the election pursuant to the provisions of  
10 chapters 39 to 53, except as otherwise specifically provided  
11 in chapters 362 to 392. The results of any election shall be  
12 canvassed by the county board of supervisors and certified  
13 by the county commissioner of elections to the mayor and the  
14 council of the city for which the election is held.

15     Sec. 13. Section 420.127, Code 2011, is amended to read as  
16 follows:

17     **420.127 Delegates elected.**

18     Delegates to city conventions of their respective political  
19 parties shall be elected at precinct caucuses held at eight  
20 p.m. on the third Monday in ~~August~~ July of the same year in  
21 which the city general election is conducted. The precinct  
22 caucuses shall be convened within the boundaries of each  
23 precinct at places designated by the city central committee.  
24 The chairperson of the city central committee shall file with  
25 the city clerk a certified list of places where the precinct  
26 caucuses will be held not later than ten days prior to the date  
27 of the caucus and shall cause the time and place of said caucus  
28 to be published in two newspapers within the city not later  
29 than ten days prior to the convening of the precinct caucus.

30                                   **EXPLANATION**

31     This bill changes the dates of the regular city election and  
32 the regular school election for local school districts, merged  
33 areas, and area education agencies.

34     The bill moves the date of the regular city election from  
35 the first Tuesday after the first Monday in November of

1 odd-numbered years to the first Tuesday after the first Monday  
2 in October of odd-numbered years. The bill makes conforming  
3 changes in relation to elections for special charter cities.

4 The bill also moves the date of the regular school election  
5 from the second Tuesday in September of odd-numbered years  
6 to the first Tuesday after the first Monday in October of  
7 odd-numbered years.

8 Because area education agency board directors are elected at  
9 the director district conventions by members of school boards,  
10 the bill also changes the date of their election from September  
11 to October in odd-numbered years.